

117TH CONGRESS  
2D SESSION

# H. R. 7620

To implement title IX of the Education Amendments of 1972 with respect to elementary and secondary schools, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2022

Mr. CASTEN (for himself and Ms. LOIS FRANKEL of Florida) introduced the following bill; which was referred to the Committee on Education and Labor

---

## A BILL

To implement title IX of the Education Amendments of 1972 with respect to elementary and secondary schools, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Stop Sexual Harass-  
5       ment in K–12 Act”.

6 **SEC. 2. TITLE IX COORDINATOR.**

7       (a) IN GENERAL.—For each local educational agency  
8       (as defined in section 8101 of the Elementary and Sec-  
9       ondary Education Act of 1965 (8 U.S.C. 7801)) that re-  
10      ceives Federal financial assistance (as such term is defined

1 in section 7501(a)(5) of title 31, United States Code), the  
2 following requirements shall apply as a condition on con-  
3 tinued receipt of such assistance:

4                 (1) The recipient shall increase the number of  
5 full-time employees designated to serve as a Title IX  
6 Coordinator by at least one per—

7                             (A) 75,000 students in 7th grade or above  
8 served by the recipient; and

9                             (B) 150,000 students in 6th grade or  
10 below served by the recipient.

11                 (2) The recipient shall ensure students and  
12 staff are made aware of these employees, their role,  
13 and the times at which they are available to meet.

14                 (3) A Title IX Coordinator should not have any  
15 other school-related responsibilities that may create  
16 a conflict of interest, including serving in the school  
17 administrative leadership or local educational agency  
18 administrative leadership (such as serving as a prin-  
19 cipal, vice principal, headmaster, superintendent,  
20 board member, general counsel, athletics director,  
21 etc.).

22                 (4) A Title IX Coordinator, along with a prin-  
23 cipal, campus security, bus driver, teacher, counselor  
24 or social worker, affirmative action officer, coach, or  
25 any other staff member, shall be considered an “ap-

1        appropriate person” to whom to disclose sexual dis-  
2        crimination for purposes of the legal standards that  
3        enable private rights of action.

4            (b) DUTIES.—Each Title IX Coordinator for a local  
5        educational agency shall ensure the local educational agen-  
6        cy’s compliance under Federal policies against sex dis-  
7        crimination, including title IX of the Education Amend-  
8        ments of 1972 (20 U.S.C. 1681 et seq.), by doing the fol-  
9        lowing:

10              (1) Ensuring that every individual affected by  
11        the operations of the local educational agency, in-  
12        cluding students, parents, guardians, employees, and  
13        applicants for admission or employment, is aware of  
14        their rights under Federal, State, and local laws and  
15        policies against sex discrimination, including title IX  
16        of the Education Amendments of 1972 (20 U.S.C.  
17        1681 et seq.), and that the local educational agency  
18        and its employees comply with those laws and poli-  
19        cies, including receiving training on the laws and  
20        policies.

21              (2) Ensuring that notices of nondiscrimination,  
22        relevant policies and grievance procedures, and cur-  
23        rent contact information of all Title IX Coordinators  
24        are disseminated broadly and in an age-appropriate  
25        manner accessible to all students, parents, guard-

1       ians, and employees and applicants for admission or  
2       employment, including on school websites and in  
3       school handbooks.

4                 (3) Monitoring complaints alleging discrimination  
5       based on sex (including sexual orientation, gender identity, sex characteristics (including intersex traits), pregnancy, childbirth, a medical condition related to domestic violence, dating violence, sexual assault, sexual violence, stalking, pregnancy or childbirth, and a sex stereotype), domestic violence, dating violence, sexual assault, sexual violence, stalking, and sexual harassment, including supportive measures offered to complainants and the outcomes of complaints.

15                 (4) Identifying patterns of sex discrimination  
16       from complaints and addressing its impact on the  
17       school community.

18                 (5) Coordinating dissemination, collection, and  
19       analysis of climate surveys, including the survey described in section 4, and identifying and proactively  
20       addressing sex discrimination in the local educational agency based on the results of climate surveys.

24                 (6) Overseeing age-appropriate annual sexual  
25       harassment prevention education and trainings to

1 school employees and students and ensuring that  
2 prevention education and training is inclusive of di-  
3 verse communities and identities, informed by re-  
4 search, and conducted in partnership with local rape  
5 crisis centers, State sexual assault coalitions, or  
6 community organizations that work on addressing  
7 sex discrimination, including sexual harassment in  
8 schools.

9 (c) WAIVER AUTHORIZED.—

10 (1) IN GENERAL.—A recipient described in sub-  
11 section (a) may request a waiver from the Secretary  
12 of Education of one or more of the requirements  
13 under such subsection on the basis that the require-  
14 ment poses an insurmountable financial burden to  
15 the recipient and the recipient has been unable to se-  
16 cure sufficient grants under subsection (d).

17 (2) ALTERNATIVE PLAN.—The waiver process  
18 shall include requiring the recipient to submit an al-  
19 ternative plan for ensuring students are aware of  
20 their rights under title IX of the Education Amend-  
21 ments of 1972 (20 U.S.C. 1681 et seq.) and have  
22 access to a Title IX Coordinator. At the very min-  
23 imum within their alternative plan, the recipient  
24 shall establish a partnership, through a memo-  
25 randum of understanding, with a local rape crisis

1 center or a national or community-based organiza-  
2 tion that specializes in trauma or crisis management  
3 and support. The memorandum of understanding  
4 shall establish a clear delineation of the roles and re-  
5 sponsibilities of the partners, which shall also in-  
6 clude providing preventative training and supporting  
7 measures when addressing reports about incidents of  
8 campus sexual violence.

9                 (3) FAILURE TO FOLLOW ALTERNATIVE  
10 PLAN.—If a recipient has such a waiver approved  
11 but does not follow their alternative plan, or the Sec-  
12 retary of Education deems their plan was insuffi-  
13 cient to prevent and respond to sexual harassment  
14 and assault, the Secretary shall take such action as  
15 may be appropriate to withhold Federal financial as-  
16 sistance. A waiver granted under this subsection  
17 shall be valid for 2 years.

18                 (d) GRANTS.—To carry out this section, there are au-  
19 thorized to be appropriated to the Secretary of Education  
20 \$100,000,000 for grants to recipients described in sub-  
21 section (a) to offset the financial burden of satisfying the  
22 requirements of this section. In making grants under this  
23 subsection, priority shall be given to local educational  
24 agencies that otherwise would face a high financial burden  
25 in fulfilling such requirements.

1       (e) DEFINITION.—In this section, the term “Title IX  
2 Coordinator” means the employee of a recipient of Federal  
3 financial assistance (as such term is defined in section  
4 7501(a)(5) of title 31, United States Code) with major  
5 responsibility for coordinating the recipient’s efforts to  
6 comply with its obligations under title IX of the Education  
7 Amendments of 1972 (20 U.S.C. 1681 et seq.).

### **8 SEC. 3. GRANTS FOR TRAINING ON HOW TO RESPOND TO**

9                   **SIGNS OF SEXUAL HARASSMENT AND AS-**  
10                  **SAULT OF STUDENTS.**

11        There are authorized to be appropriated to the Sec-  
12      retary of Education \$50,000,000 for grants to local edu-  
13      cational agencies (as defined in section 8101 of the Ele-  
14      mentary and Secondary Education Act of 1965 (8 U.S.C.  
15      7801)) to train elementary and secondary school teachers  
16      and other school staff on how to prevent, recognize, and  
17      respond to signs of sexual harassment and assault among  
18      students or between students and adults, as well as sexual  
19      grooming of students by adults at school.

## 20 SEC. 4. CLIMATE SURVEYS.

21 (a) SEXUAL VIOLENCE CLIMATE SURVEY.—

1 develop an empirically validated sexual violence cli-  
2 mate survey to be conducted on an anonymous basis  
3 of elementary and secondary school students and  
4 staff not later than one year after the date of the  
5 enactment of this Act. The survey shall assess the  
6 occurrence on school property, during the preceding  
7 calendar year for which data is available, of in-  
8 stances of domestic violence, dating violence, sexual  
9 assault, sexual violence, sexual harassment, and  
10 stalking.

11 (2) REQUIREMENTS.—The survey tool devel-  
12 oped pursuant to this section—

13 (A) shall be fair and unbiased, be scientif-  
14 ically valid and reliable, meet the highest stand-  
15 ards of survey research, and notify the partici-  
16 pant that anonymized results of the survey may  
17 be published;

18 (B) shall ensure that the survey tool is  
19 readily accessible to, and usable by, individuals  
20 with disabilities; and

21 (C) shall ensure that the responses to the  
22 survey questions—

23 (i) are submitted confidentially;

24 (ii) are not included in crime statis-  
25 tics; and

(iii) in a case in which such responses are included in a report, do not include personally identifiable information.

(b) STATISTICS.—Beginning 18 months after the date of the enactment of this Act, such officials shall compile statistics based upon their analysis of the results of the survey. Such officials shall update, conduct, and compile the results of the survey every 2 years thereafter. The compiled statistics should be disaggregated by local educational agency, except that such disaggregation shall not be required in the case of a local educational agency of a size such that the results would reveal personally identifiable information about an individual student, in which case, an alternate basis for disaggregation shall be selected.

16 (c) PUBLIC AVAILABILITY.—The statistics compiled  
17 under subsection (b) shall be made publicly available on  
18 the website of the Department of Education and readily  
19 accessible to and usable by individuals, including individ-  
20 uals with disabilities.

21 (d) BIENNIAL REPORT.—Beginning not later than 2  
22 years after the date of the enactment of this Act, the Sec-  
23 retary of Education—

24 (1) shall prepare a biennial report on the information  
25 gained from the standardized elements of the

1 survey under this section and publish such report in  
2 an accessible format on the website of the Depart-  
3 ment of Education, including as part of any online  
4 consumer tool offered or supported by the Depart-  
5 ment of Education that provides information to stu-  
6 dents regarding specific postsecondary educational  
7 institutions; and

8 (2) shall submit such report to the Congress.

9 (e) DEVELOPMENTALLY APPROPRIATE CONTENT.—

10 The Secretary shall ensure that the survey questions vary  
11 between staff and students and for different age groups  
12 in order to ensure that the questions are developmentally  
13 appropriate.

14 (f) OPTION TO REPORT DEMOGRAPHIC INFORMA-  
15 TION.—The survey shall give students the option to report  
16 their demographic information.

17 (g) TOPICS.—Survey questions included in the survey  
18 tool developed pursuant to this section—

19 (1) shall be designed to gather information on  
20 student experiences with domestic violence, dating  
21 violence, sexual assault, sexual harassment, and  
22 stalking, including the experiences of victims of such  
23 incidents;

24 (2) shall use trauma-informed language to pre-  
25 vent re-traumatization; and

1 (3) subject to subsection (e), shall address—

(B) the effectiveness of school sexual violence awareness and prevention programs and policies for the overall student body and different student populations, such as students of color, students in the LGBTQ communities, immigrant students, pregnant and parenting students, and students with disabilities;

14 (C) the effectiveness of current processes  
15 for complaints on and investigations into sex-  
16 based, race-based, national origin-based, sexual  
17 orientation-based, gender identity-based, and  
18 disability-based harassment, assault, discrimi-  
19 nation, domestic violence, dating violence, and  
20 stalking;

(D) students' awareness of school policies  
and procedures, including—

1 suant to title IX of the Education Amend-  
2 ments of 1972 (20 U.S.C. 1681 et seq.);  
3 and

(ii) processes for remote learning;

(E) whether individuals impacted by sexual harassment, sexual violence, discrimination, domestic violence, dating violence, and stalking have experienced negative effects on their education, including diminished grades, dropped classes, or leaves of absence;

(F) what training is being provided to teachers and staff on policies and procedures pertaining to sexual harassment, sexual violence, discrimination, domestic violence, dating violence, sexual grooming, and stalking, including best practices in prevention;

(G) whether the perpetrator of sexual harassment, sexual violence, discrimination, domestic violence, dating violence, and stalking was a student, school employee, or volunteer and other contextual factors;

(H) whether individuals impacted by sexual harassment, sexual violence, discrimination, domestic violence, dating violence, and stalking reported or did not report such sexual harassment.

1                   ment, sexual violence, discrimination, domestic  
2                   violence, dating violence, and stalking;

3                   (I) if such an individual did so report, to  
4                   whom they reported, and what response the  
5                   survivor received to include being informed of,  
6                   or referred to, national, State, local, tribal, or  
7                   resources;

8                   (J) if such an individual reported to the  
9                   school—

10                  (i) did the school conduct an investi-  
11                  gation;

12                  (ii) if an investigation was conducted,  
13                  how long did the investigation take; and

14                  (iii) if an investigation was conducted,  
15                  what was the final resolution of the inves-  
16                  tigation;

17                  (K) if such an individual did so report,  
18                  whether they experienced retaliation following  
19                  the reporting;

20                  (L) school community members', such as  
21                  students, full-time and part-time staff and fac-  
22                  ulty, and administration officials, attitudes to-  
23                  ward sexual violence and harassment, including  
24                  individuals' willingness to intervene as a by-  
25                  stander of sex-based, race-based, national ori-

1           gin-based, sexual orientation-based, gender  
2           identity-based, and disability-based discrimina-  
3           tion, harassment, assault, domestic violence,  
4           dating violence, and stalking;

5           (M) school community members', such as  
6           students, full-time and part-time staff and fac-  
7           ulty, and administration officials, perception of  
8           school safety and confidence in the school's abil-  
9           ity to appropriately address sex-based, race-  
10          based, national origin-based, sexual orientation-  
11          based, gender identity-based, and disability-  
12          based discrimination, harassment, assault, do-  
13          mestic violence, dating violence, and stalking;  
14          and

15          (N) any other issues relating to sex-based,  
16          race-based, national origin-based, sexual ori-  
17          entation-based, gender identity-based, and dis-  
18          ability-based discrimination, harassment, as-  
19          sault, domestic violence, dating violence, and  
20          stalking, as appropriate.

21          (h) ADDITIONAL TOPICS.—States and local edu-  
22          cational agencies may add additional questions to the sur-  
23          vey as they determine appropriate.

24          (i) FEDERAL ADMINISTRATION.—

1                             (1) IN GENERAL.—The Secretary of Education,  
2       in consultation with the Attorney General, the Director  
3       of the Centers for Disease Control and Prevention,  
4       and the Secretary of Health and Human Services,  
5       shall develop a mechanism by which local educational  
6       agencies may, with respect to the survey  
7       tool developed pursuant to this section—

8                             (A) administer such survey tool; and  
9                             (B) modify such survey tool to include additional  
10       elements or requirements, as determined by the agency, subject to the review and  
11       approval of the Secretary of Education.

13                             (2) ACCESSIBILITY.—The Secretary of Education shall ensure that the survey tool is administered in such a way as to be readily accessible to and usable by individuals with disabilities.

17                             (j) INSTITUTIONAL ADMINISTRATION.—Beginning  
18       not later than 1 year after the date on which the Secretary  
19       of Education makes available to local educational agencies  
20       the mechanism described in subsection (i)(1), and every  
21       2 years thereafter, each local educational agency (as defined in section 8101 of the Elementary and Secondary  
22       Education Act of 1965 (8 U.S.C. 7801)) that receives  
23       Federal financial assistance (as such term is defined in  
24       section 7501(a)(5) of title 31, United States Code) shall

1 administer the survey tool developed pursuant to this sec-  
2 tion.

3 (k) COMPLETED SURVEYS.—The Secretary of Edu-  
4 cation shall require each local educational agency that ad-  
5 ministers the survey tool developed pursuant to this sec-  
6 tion to ensure, to the maximum extent practicable, that  
7 an adequate, random, and representative sample size of  
8 students (as determined by the Secretary) enrolled at ele-  
9 mentary and secondary schools under the jurisdiction of  
10 the agency complete the survey tool developed pursuant  
11 to this section.

12 (l) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated \$10,000,000 to carry  
14 out this section.

15 **SEC. 5. RULE OF CONSTRUCTION.**

16 Nothing in this Act shall be construed to preempt,  
17 invalidate, or limit rights, remedies, procedures, or legal  
18 standards available to victims of discrimination or retalia-  
19 tion under any other Federal law or law of a State or polit-  
20 ical subdivision of a State, including title VI of the Civil  
21 Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX  
22 of the Education Amendments of 1972 (20 U.S.C. 1681  
23 et seq.), section 504 of the Rehabilitation Act of 1973 (29  
24 U.S.C. 794), the Americans with Disabilities Act of 1990  
25 (42 U.S.C. 12101 et seq.), or section 1979 of the Revised

1 Statutes (42 U.S.C. 1983). The obligations imposed by  
2 this Act are in addition to those imposed by title IX of  
3 the Education Amendments of 1972 (20 U.S.C. 1681 et  
4 seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C.  
5 2000d et seq.), title VII of the Civil Rights Act of 1964  
6 (42 U.S.C. 2000e et seq.), and the Americans with Dis-  
7 abilities Act of 1990 (42 U.S.C. 12101 et seq.).

8 **SEC. 6. SENSE OF CONGRESS.**

9 It is the sense of the Congress that it is valuable for  
10 students to have access to confidential reporting of sexual  
11 harassment and abuse, and schools should attempt to pro-  
12 vide that to the extent possible in accordance with State  
13 and local laws.

14 **SEC. 7. EFFECTIVE DATE.**

15 Unless otherwise provided in this Act, this Act shall  
16 take effect 1 year after the date of the enactment of this  
17 Act.

